

**CITY OF WASHINGTON TERRACE
ORDINANCE 24-05**

IN-FILL RESIDENTIAL DEVELOPMENT AMENDED

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE, UTAH, AMENDING
CHAPTER 17.10 RELATING TO IN-FILL RESIDENTIAL DEVELOPMENT;
SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Washington Terrace City (hereafter referred to as “City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated* §10-8-84, 1953 as amended, grants municipalities broad authority to provide for safety and preserve health, and promote prosperity, improve morals, peace and good order, comfort, convenience, and for the protection of property;

WHEREAS, *Utah Code Annotated* §10-8-60, 1953 as amended, grants municipalities broad authority to declare what shall be a nuisance, abate the same, and to impose fines for the such nuisances;

WHEREAS, Title 10, Chapter 9a, of the *Utah Code Annotated*, as amended, enables municipalities to regulate land use and development;

WHEREAS, the City finds it necessary to update its land use ordinances in order to meet the challenges presented by development and to protect public health, safety, and welfare;

WHEREAS, after publication of the required notice, the Planning Commission held its public hearing on July 25, 2024, to take public comment on this Ordinance, and subsequently gave its recommendation to approve this Ordinance;

WHEREAS, the City Council received the recommendation from the Planning Commission and held its public meeting on _____, 2024, and desires to act on this Ordinance;

NOW, THEREFORE, be it ordained by the City Council of the City of Washington Terrace as follows:

Section 1: Repealer.

Any ordinance or portion of the municipal code inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2: Amendment.

Chapter 17.10 of the *Washington Terrace Municipal Code* is hereby adopted to read as follows:

Chapter 17.10

Single Family In-fill Residential Development

Sections:

17.10.010 Purpose And Intent.

17.10.020 Application Process.

- 17.10.030 Application Contents.**
- 17.10.040 Development Agreement.**
- 17.10.050 Eligibility And Guidelines.**
- 17.10.060 Administration.**

17.10.010 Purpose and Intent.

The City Council finds that standard zoning practices are inadequate to address the development of certain undeveloped, vacant, and empty residential in-fill parcels identified by the City to ensure that these developments such parcels can be developed as single-family or townhome residential development in manner that is are well-planned, sensitive to adjoining properties, and accommodates the needs of the City. This Chapter is intended to address challenges presented by in-fill parcel, configuration, ~~phasing projects~~, and other challenges presented by in-fill development. The City recognizes that for certain projects it is appropriate to create zoning and other land use requirements on a property-by-property basis with the development of the property carefully agreed to by the City and the property owner. It is also acknowledged in-fill development is a legislative function that include a zoning map amendment and accompanying zoning map amendment to the “In-fill Overlay Zone” and adoption of a Master Development Agreement that includes to the site plan, land use regulations for the overlay zone, and applicable setback within the overlay zone that regulations be enforced and assured in accordance with a development agreement. This Chapter ~~is to~~ creates the enabling provisions for adopting a specialized said overlay zone for in-fill residential development and applying them to particular properties, this Chapter is not intended or to be interpreted to provide for redevelopment and is limited to residential.

Option 1: Provide a clause that allows the Planning Commission and City Council to consider multi-family residential for a proposed in-fill development that is solely priced within the range of and marketed for exclusively moderate-income households as determined by data provided from the U.S. Department of Housing and Urban Development for the City’s metropolitan statistical area.

17.10.020 Application Process.

In order to be eligible to file an application under this Section, the parcel owner, or the owner’s authorized agent, of an eligible property must be identified on the “In-fill Development Overlay Map” that is adopted by ordinance as part of the City’s General Plan. If a parcel is identified on said In-fill Overlay Map, then a property owner may petition the City to create an individual “In-fill Development Overlay Zone” (IDOZ) which is a sub-overlay zone and applies to a particular property. The application shall include the elements listed in this Chapter. The Planning Commission shall consider the application and make a recommendation to the City Council in the same manner as the City considers any other zoning text and mapping petitions at the time of the application. The City Council, acting in its legislative capacity, shall determine whether to create the sub-overlay zone, map it to the property and approve the Master Development Agreement required in this Chapter. The application for a sub-overlay zone creates no rights in the property owner until any such sub-overlay and the Master Development are approved by the City Council and recorded on the applicable against the property.

17.10.030 Application Contents.

1. Compliance. Compliance with the eligibility requirements and this Chapter guidelines.

2. Application. Any application under this Chapter for a ~~sub-overlay~~ zone shall include the following:
 - a. A fee equal to the anticipated costs incurred by the City.
 - b. An engineered plat map of the property proposed for the ~~sub-overlay~~ zone including the proposed development and/or subdivision of the property within the requirement of the subdivision ordinance and municipal code, improvement drawings building elevation drawing, and topographical information at 2' contours or more detailed.
 - c. The proposed ~~sub-overlay~~ zone text specifying the permitted, conditional, and accessory uses to be more fully detailed in the Master Development Agreement.
 - d. A proposed Master Development Agreement.

17.10.040 Master Development Agreement.

1. Legislative Action. The City Council, in its legislative discretion, shall exercise its general policy determination functions in considering or may make any modification to a Master Development Agreement that the City Council deems appropriate and in applying the Master Development Agreement to the property as a part of the creation and mapping of the ~~sub-overlay~~ zone.
2. Elements. Required elements in the Master Development Agreement include, but are not limited to:
 - a. Plan of the entire project showing residential layout that complies to the subdivision ordinance and municipal code to the greatest extent possible, and indicates where exceptions are requested.
 - b. The approximate location of major infrastructure such as main public roads, water tanks, utility lines.
 - c. Proposed development standards for residential including lot areas, dimensions, and setbacks.
 - d. Proposed design standards addressing building height, massing and orientation, common and private open space, natural resource protection, architectural design and materials, landscaping and buffering standards, parking, and signage.
 - e. Proposed process for implementing, administering, enforcing, and making modifications to the proposed project.
 - f. A provision ensuring that the City cannot be held liable for any damages arising out of the project and the Development Agreement.
 - g. Construction and escrow.
 - h. Any other items that the City Attorney deems appropriate.

17.10.050 Eligibility and Design Guidelines.

1. Staff Review. Staff will review any request or application related to in-fill to determine its eligibility under this Chapter.
2. Eligible Parcels. The In-fill ~~Development Overlay Map~~ set forth in Exhibit "A" adopted as part of the City's General Plan and incorporated herein by this reference specifies the eligible parcels that may be used for in-fill development subject to the requirements of this title. Parcels not identified on the In-fill ~~Development Overlay Map~~ are not eligible. ~~The Owner of any parcel not identified on the In-fill Development Map may request to be added to said Map by Ordinance if the size and configuration meet the purpose and intent of this Chapter.~~

3. Requirements. The existing zoning and General Plan shall be residential zoned where the property includes empty and vacant parcels that have been undeveloped for a period of more than ten (10) year without any structures.
4. ~~Guidelines~~Standard. The following ~~guideline~~ standards apply:
 - a. Size and Access. Meet the size and access criteria as follows:
 - i. Be a single-family residential dwelling unit or townhouse design. Being and accessed from a public street.
 - ii. Be of sufficient size for egress without interfering with adjoining properties and be of sufficient size for a residential use without reduction of residential setbacks for the zone by more than twenty-five (25%).
 - iii. Be of sufficient size for fire access in accordance with the specifications of the Fire Marshall and the applicable code.
 - iv. Be capable of being serviced by utilities and infrastructure.
 - v. Be no more than two (2) stories or 35 feet in maximum height measured from back of curb. Basements permitted based upon a geotechnical report, however, no underground parking allowed.
 - b. Architecture and Design. Meet the architecture and design criteria as follows:
 - i. Each unit shall have a minimum two (2) car attached garage, private driveway parking in the front set-back area equivalent to one (1) vehicle, and off-street guest parking located in the overall development site plan equal to one (1) additional vehicle for each unit.
 - ii. Provide for the following architectural features:
 1. Minimum sixty (60) percent of the front exterior of the residential structure shall be brick, stone, or cultured stone material. Remainder of the exterior structure shall consist of: cement board, architectural shingles, heavy timber, or stucco. No vinyl or metal siding is permitted.
 2. Color schemes, such as earth-tones, that promote curb appeal.
 3. Varied rooflines that include: decorative dormers, gabled or hipped pitched roofs, and parapets or cornices.
 4. Front porches shall include decorative exterior lighting.
 - c. Density. The density of lots in any in-fill development shall be calculated based upon the average density of the single-family or townhome residential uses immediately adjoining to, and across the street from, the property seeking in-fill development under this Chapter on a per acre basis as determined and calculated by the Building Official. No commercial, multi-family or similar zoning shall be used in any calculation, in-fill development shall only be used to add additional single-family or townhouse dwelling units to a parcel that is odd shaped or otherwise cannot meet the single-family development standards.
 - d. Moderate Income. Where an in-fill development is marketed solely for moderate income households defined as household income at or below 80% of the median household income as determined by the income tables of the U.S. Department of Housing and Urban Development, the density specifications in this Chapter shall serve only as a guideline applied by the City Council on recommendation of staff and the Planning Commission and subject to this part. A covenant in perpetuity shall be recorded as part of the in-fill development that all units shall only be marketed and sold to a households that are at or below the moderate-income levels as defined in this part and shall only be used as owner-occupied, no rentals whatsoever. Such development shall have adequate parking, safety

standards, and meet the other requirements of this Chapter to the greatest extent possible.

17.10.060 Administration.

1. Administrative Function. It is policy that after the legislative adoption of the In-fill ~~Development Sub-zone (In-fill SZ)~~ Overlay Zone and accompanying Master Development Agreement, that implementation shall be an administrative function and not legislative.
2. Maintenance. Unless otherwise provided in the Master Development Agreement, all infrastructure in the ~~sub-overlay zone~~ shall be maintained and operated by an owner association established for that purpose.
3. Covenants. Any covenants, conditions, and restriction shall be approved by the City as part of the Master Development Agreement.
4. Escrow. As part of the Master Development Agreement, the applicant shall enter into an Escrow Agreement. The escrow funds shall be deposit in escrow account with a federally insured financial institution approved by the City and be in the amount equal to the cost of the improvements not yet installed and as estimated or approved by the City Engineer. The City shall be authorized to draw upon the funds to complete any improvement, and the escrow amount shall additionally include costs incurred by the City for approval of the development, and ten percent of the total costs of improvements as determined by the City Engineer as a contingency warrant amount.

Section 3: Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.

Section 4: Effective date. This Ordinance takes effect immediately upon adoption and posting.

PASSED AND ADOPTED by the City Council on this ____ day of _____, 20__.

Mayor

ATTEST:

City Recorder

RECORDED this ____ day of _____, 20__.

PUBLISHED OR POSTED this ____ day of _____, 20__.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the municipal recorder of Washington Terrace City, hereby certify that foregoing ordinance was duly passed and published, or posted at: 1) _____, 2) _____, and 3) _____ on the above referenced dates.

City Recorder

DATE: _____